

1 Q. Did you come into the firm as a
2 principal?

3 **A. Yes.**

4 Q. Do you have much experience, or do
5 you have any experience in advising clients on
6 life insurance policies?

7 **A. I mean, not much.**

8 Q. And you worked in a lot of trust and
9 estate work, as you said?

10 **A. Yes.**

11 Q. Is it common that a life insurance
12 policy would be included in a trust or estate
13 plan?

14 **A. Somewhat. Not always. Less now**
15 **because of changes in the estate tax law.**

16 Q. Have you had clients in the past
17 reach out to you for advice on life insurance
18 policies?

19 **A. Yes.**

20 Q. And when that happens, do you
21 typically answer their questions? Or do you find
22 them a third party attorney or someone else in
23 your office to better help them?

24 **A. I typically discuss it with somebody**
25 **else appropriate in our office.**

1 documents, both electronically, and you also
2 allowed the firm of Jacobson and I to come in and
3 view your file in person?

4 **A. Yes.**

5 Q. And there were a number of documents
6 that you copied for us out of the file and
7 produced supplementary to us?

8 **A. Yes.**

9 **MR. SLABY: Just for the record,**
10 **there was a privilege log provided that --**

11 MR. BRODZIK: And I'm going to mark
12 this as Exhibit C.

13 (Whereupon, Exhibit C is marked for
14 identification.)

15 BY MR. BRODZIK:

16 Q. This was a privilege log that was
17 provided to us in conjunction with us getting an
18 original production and then coming in the office
19 to review the file?

20 **A. (Nodding.)**

21 Q. Okay. Based on the privilege log
22 that you have issued, is it your understanding
23 that none of the documents that you have produced
24 to us or that you have copied and then given to us
25 you are claiming privilege to?

1 **A. Yes.**

2 Q. So the background of this suit, or
3 the allegations in the pending petition, all
4 essentially resolve around a life insurance policy
5 that was taken out by Dr. Wiegand on his then
6 wife, Jean Cameron Wiegand's life. Are you
7 familiar with that policy?

8 **A. Somewhat.**

9 Q. For the record, it is called a
10 Universal Life Accumulator Policy, Number
11 62791665. Have you ever read this policy?

12 **A. I have read parts of it.**

13 Q. What parts of the policy do you
14 recall having read?

15 **A. Primarily, the first several pages**
16 **of the policy.**

17 Q. Is there a reason why you would read
18 the first several pages of the policy and not the
19 entirety of it?

20 **A. As I recall, the policy was -- it's**
21 **a very substantial number of pages. It's not a**
22 **short document, and you know --**

23 Q. So you didn't feel like it was
24 necessary to read the entirety of it, or --

25 **A. My conversations with the clients**

1 **about my involvement with this policy are**
2 **privileged. And this is starting to touch on**
3 **that, so I can't go any further.**

4 MR. BRODZIK: Can you certify that
5 question, please?

6 (Whereupon, the pending question is
7 certified at the request of Mr. Brodzik.)

8 BY MR. BRODZIK:

9 Q. Did you assist in procuring this
10 policy?

11 **A. No.**

12 Q. Do you know who procured the policy?

13 **A. There was -- I believe it was an**
14 **insurance broker that the Wiegands worked with. I**
15 **can't recall the name of the company. And I think**
16 **it's defunct. I'm fairly sure it's defunct,**
17 **because I understood that the broker had died**
18 **somewhere along the line.**

19 Q. Understood. Are you familiar with
20 life accumulator life insurance policies?

21 **A. Not enough to talk about them.**

22 Q. So you don't know the difference
23 between -- or you can't describe the difference
24 between a life accumulator policy and a standard
25 term life insurance policy?

1 **A. I can't explain the difference. I**
2 **know that there is a difference between a term**
3 **policy and most other kinds of whole life or term**
4 **life or accumulative policies.**

5 Q. Do you recall what the life benefit
6 on Ms. Jean Wiegand was on this particular policy?

7 **A. Not precisely.**

8 Q. Do you recall what the initial
9 up-front premium was on this policy?

10 **A. I can't accurately recall. I have a**
11 **vague impression.**

12 Q. What is your vague impression?

13 **A. About \$700,000.**

14 Q. Are you aware that this particular
15 life insurance policy, this accumulator policy,
16 had a cash value?

17 **A. Yes.**

18 Q. Okay. Are you aware that over time
19 the cash value of a policy or this particular
20 policy would diminish without the supplementation
21 of yearly premium?

22 **A. That, once again, gets into a matter**
23 **of discussion with the clients. And --**

24 Q. Well, I'm asking for your personal
25 understanding of the policy, nothing you have

1 can't proceed.

2 BY MR. BRODZIK:

3 Q. So you have no opinion on when a
4 cash value should be exercised or when a client
5 should wait for a death benefit?

6 A. If I'm dealing with a client on that
7 question, as I said, I would refer them back to
8 their insurance agent or to someone in our office
9 to help review.

10 Q. Do you recall ever directing Edward
11 or Eugenia to speak with their insurance agent
12 about this policy?

13 A. I believe that is covered by
14 confidentiality.

15 MR. BRODZIK: I would like to
16 certify that question as well.

17 (Whereupon, the pending question is
18 certified at the request of Mr. Brodzik.)

19 (Whereupon, Exhibit G is marked for
20 identification.)

21 BY MR. BRODZIK:

22 Q. This is a letter, dated October 23,
23 2002, to McCarter and Greenley, signed by Edward
24 and Eugenia Sprich, apparently requesting that
25 their representation be -- or McCarter and